

ORDINANCE NO. 991230
0-00-37

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4 **An Ordinance of the City of Gainesville, Florida, annexing a**
5 **portion of the City of Gainesville Reserve Area Pursuant to**
6 **Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-**
7 **347, Special Acts, Laws of Florida, known as the Alachua**
8 **County Boundary Adjustment Act; making certain findings;**
9 **including within the corporate limits of the City of Gainesville,**
10 **Florida, that certain compact and contiguous area generally**
11 **bounded on the north by a body of water contiguous to the**
12 **Gainesville city limits and I-75, on the east by Circuit City (tax**
13 **parcel 6654-7), on the west by Tower Center (tax parcel 6654-**
14 **3) and on the south by the property line of Home Depot located**
15 **approximately 300 feet north of University Avenue; providing**
16 **for inclusion of the area in Appendix I of the City Charter;**
17 **providing for land use and zoning regulations; providing**
18 **directions to the City Manager and Clerk of the Commission;**
19 **providing a severability clause; and providing an immediate**
20 **effective date.**

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23 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-
24 382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
25 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for
26 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve
27 area; and

28 **WHEREAS,** on January 13, 1998, the Board of County Commissioners of Alachua County
29 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

30 **WHEREAS,** on December 8, 1999, the owner of the real property described herein
31 submitted a Petition for Voluntary Annexation requesting the City to incorporate said property into
32 the City of Gainesville; and

1 **WHEREAS**, on December 13, 1999, the City Commission voted to accept said Petition
2 and determined that the Petition bore the signature of the owner of the property; and

3 **WHEREAS**, on January 24, 2000, the City Commission of the City of Gainesville adopted
4 Ordinance No. 990866, which adopted the Urban Services Report setting forth the plans to provide
5 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
6 procedures provided in the Act; and

7 **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County
8 Board of County Commissioners and the real property owner affected by this ordinance; and

9 **WHEREAS**, the City of Gainesville desires to annex a certain portion of its Reserve Area
10 which is compact and contiguous to the present corporate limits of the City; and

11 **WHEREAS**, pursuant to law, notice has been given by publication once a week for two
12 consecutive weeks in a newspaper of general circulation notifying the public of this proposed
13 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,
14 City Hall, in the City of Gainesville; and

15 **WHEREAS**, Public Hearings were held pursuant to the published notice described above at
16 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
17 heard.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
19 **CITY OF GAINESVILLE, FLORIDA:**

20 **Section 1.** The City Commission finds that the Area described in Section 2 of this
21 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the
22 present corporate limits of the City of Gainesville, and that no part of the Area is within the

1 boundary of another municipality or county. The City Commission finds the Area to be within its
2 Reserve Area and the annexation does not create an enclave.

3 **Section 2.** The following described Area is annexed and incorporated within the corporate
4 limits of the City of Gainesville, Florida:

5 See Legal Description attached hereto as Exhibit "A", and made a
6 part hereof as if set forth in full.

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8 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
9 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
10 Section 2 within the corporate limits of the City of Gainesville, Florida.

11 **Section 4.** The City Manager is authorized and directed to make the necessary change in the
12 Code of Ordinances of the City of Gainesville, Florida, to comply with this ordinance.

13 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
14 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
15 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
16 that includes the annexed area. During the interim period, the City may rezone properties in the
17 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua
18 County Comprehensive Plan.

19 **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are
20 lawfully engaged in any occupation, business, trade or profession within the area described in
21 Section 2 of this Ordinance as of September 1, 2000, shall have the right to continue such
22 occupation, business, trade or profession.

1 (b) Except as provided in subsection (c) below, all persons who are lawfully
2 engaged in any construction trade, occupation or business within the Area described in Section 2 of
3 this Ordinance as of September 1, 2000, and who possess a valid certificate of competency issued
4 by Alachua County shall have the right to continue the construction trade, occupation, or business
5 within the entire corporate limits of the City of Gainesville, including the Area described in Section
6 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by
7 Alachua County, and provided such persons register the certificate with the Building Inspections
8 Department of the City of Gainesville and the Department of Professional Regulation of the State of
9 Florida on or before 4:00 p.m. on September 1, 2000.

10 (c) All persons lawfully engaged in any occupation, business, trade or
11 profession within the Area described in Section 2 of this Ordinance on or after October 1, 2000,
12 shall obtain an occupational license from the City of Gainesville for the term commencing on
13 October 1, 2000, which license shall be issued upon payment of the appropriate fee in accordance
14 with the Gainesville Code of Ordinances in effect on October 1, 2000.

15 **Section 7.** If any portion of this Ordinance is declared by a court of competent jurisdiction
16 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
17 portions of this Ordinance.

18 **Section 8.** The Clerk of the Commission is directed to submit a certified copy of this
19 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)
20 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

A tract of land situated in the Northwest 1/4 of Section 4, Township 10 South, Range 19 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at the Northwest corner of Section 4, Township 10 South, Range 19 East, and run South 00 degrees 50 minutes 48 seconds East, along the West line of said Section 4, a distance of 801.31 feet; thence run North 89 degrees 26 minutes 12 seconds East, 39.53 feet to the East right-of-way line of County Road No. S.W. 29 (N.W. 75th Street); thence run South 00 degrees 50 minutes 48 seconds East, along the East right-of-way line of said County Road S.W. 29 (N.W. 75th Street), 868.40 feet; thence run South 89 degrees 57 minutes 23 seconds East, 204.22 feet; thence run South 00 degrees 02 minutes 37 seconds West, 300.00 feet; thence run South 89 degrees 57 minutes 23 seconds East, 790.02 feet to the Point of Beginning; thence run South 89 degrees 57 minutes 23 seconds East, 456.00 feet; thence run North 00 degrees 02 minutes 37 seconds East, 809.51 feet; thence run North 89 degrees 57 minutes 23 seconds West, 426.00 feet; thence run South 00 degrees 02 minutes 37 seconds West, 687.51 feet; thence run North 89 degrees 57 minutes 23 seconds West, 30.00 feet; thence run South 00 degrees 02 minutes 37 seconds West, 122.00 feet to the Point of Beginning.

AND

A TRACT OF LAND SITUATED IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST FOR THE POINT OF REFERENCE AND RUN S.00°50'48"E., ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 801.31 FEET; THENCE RUN N.89°26'12"E., A DISTANCE OF 39.53 FEET TO THE EAST RIGHT OF WAY LINE OF N.W. 75TH STREET, ALSO KNOWN AS COUNTY ROAD S.W. 29 (TOWER ROAD); THENCE RUN S.00°50'48"E., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 868.40 FEET; THENCE RUN S.89°57'23"E., A DISTANCE OF 204.22 FEET; THENCE RUN S.00°02'37"W., A DISTANCE OF 300.00 FEET; THENCE RUN S.89°57'23"E., A DISTANCE OF 660.35 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE S.89°57'23"E., A DISTANCE OF 129.67 FEET TO THE SOUTHWEST CORNER OF THE "HOME DEPOT PARCEL" AS RECORDED IN OFFICIAL RECORD BOOK 1726, PAGE 2386 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN ALONG AND ADJACENT TO SAID "HOME DEPOT PARCEL" THE FOLLOWING THREE COURSES, N.00°02'37"E., A DISTANCE OF 122.00 FEET; S.89°57'23"E. A DISTANCE OF 30.00 FEET; N.00°02'37"E., A DISTANCE OF 583.69 FEET; THENCE RUN S.89°54'28"W., A DISTANCE OF 90.51 FEET; THENCE RUN N.83°05'52"W., A DISTANCE OF 61.62 FEET; THENCE RUN S.00°05'46"W., A DISTANCE OF 377.82 FEET; THENCE RUN N.89°41'31"W., A DISTANCE OF 8.21 FEET; THENCE RUN S.00°03'18"E., A DISTANCE OF 335.06 FEET TO THE TRUE POINT OF BEGINNING.